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8
9 IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,) No. CR-08-70108 MAG (MEJ)
12)
Plaintiff,)
13)
v.)
14)
PING LY,)
15)
Defendants.)
16)
17)
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Next Date: March 21, 2008
Time: 9:30 a.m.
Court: Honorable Joseph C. Spero

19 Defendant Ping Ly hereby moves the Court to remove one condition of pretrial release; the
20 mandatory drug testing condition. As the underlying offense in this matter relates to passport fraud,
21 and the Pretrial Services report from the Eastern District indicates no drug or alcohol use on the part
22 of Mr. Ly (with the exception of Mr. Ly's admission that in high school that he occasionally
23 experimented with marijuana), Mr. Ly respectfully requests the Court to remove the condition. The
24 condition requires Mr. Ly to call the drug services provider every day, and drive to the testing
25 location when called upon. Mr. Ly was injured in a car accident in December, 2007 and lost an eye
26 during that accident. He is currently trying to avoid driving an automobile as much as possible while

1 he adjusts to only being able to see out of one eye.

2 United States Pretrial Services Officer Alan Lew has been contacted by defense counsel about
3 this request, and has no objection to the request for modification.

4 Assistant United States Attorney Wendy Thomas has been contacted by defense counsel, and
5 has no objection to the request, as indicated by her signature below.

6 WHEREFORE, defendant Ly respectfully request this Court to grant the proposed
7 modification, and to remove the drug testing condition from his conditions of pretrial release set in
8 the Eastern District of California. If the Court so agrees, USPTO Allen Lew will notify the Eastern
9 District of the Court's order.

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11 IT IS SO STIPULATED.

12 DATED: 3/10/08

/S/
ELIZABETH M. FALK
Assistant Federal Public Defender

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15 DATED: 3/10/08

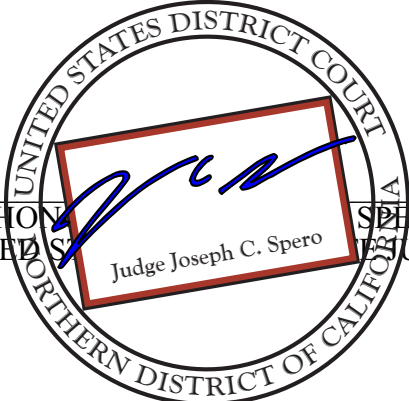
/S/
WENDY M. THOMAS
Assistant United States Attorney

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18 **[PROPOSED] ORDER**

19 GOOD CAUSE SHOWN, it is hereby ORDERED that the bail conditions of defendant Ping
20 Ly be modified. The mandatory drug testing condition is hereby SUSPENDED. All of the other
21 terms and conditions of the bond remain in effect.

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23 DATED: March 11, 2008

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THE HON. JUDGE JOSEPH C. SPERO
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA